

**BUFFALO COUNTY BOARD OF SUPERVISORS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, NOVEMBER 10, 2009  
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, November 10, 2009 at 9:00 A.M. and 10:15 A.M. Chairman Pierce called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Horace Dannehl, Ivan Klein, William McMullen, Sherry Morrow and Richard Pierce. Timothy Loewenstein was in a Board Committee meeting at the start of this meeting. Kent Greder was absent. Chairman Pierce announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted at the back of the Board Room.

Posting and publishing gave notice of the meetings in advance, thereof. Notice of the meetings was simultaneously given to all members of both Boards; and availability of the agenda was communicated in the advance notice and in the notice to both Boards of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board members is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public. County Attorney Shawn Eatherton was present.

Chairman Pierce called for Citizen's forum and no one was present to address the Board.

**CONSENT AGENDA**

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

**GENERAL COUNTY BUSINESS**

1. Approve October 27, 2009 minutes
2. Accept reports
  - Buffalo County Detention Center October 2009 Report
  - Buffalo County Treasurer October 2009 Fund Balance Report
  - Clerk of the District Court September and October 2009 Reports

**JUSTICE CENTER PROJECT**

Emergency Manager, Darrin Lewis was present to update the Board on the Emergency Operations Center progress. Buster Beckenhauer also gave a brief update and no action was necessary at this time.

**REGULAR AGENDA**

Chairman Pierce reviewed the following correspondence with the Board. McDermott & Miller P.C. sent the annual audit copy of the Kearney Visitor's Bureau. City of Kearney sent copy of the Resolution annexing Interstate Fifth Addition. Department of Environmental Quality sent a copy of the Design Change of Nebraska ILS Feeders. A sign up sheet for the Buffalo County Christmas party was noted. NIRMA sent notice of the annual membership meeting and awards luncheon. Nebraska Game and Parks Commission sent a survey of county recreations assets. NACO sent a draft of the proposed change to the NACO bylaws. South Central RC& D Council meeting notice was received. Department of Economic Development sent notice of the Reallocation of Unused Recovery Zone Bond Authority in Nebraska. The November 2009 Buffalo County Community Partners and Epworth Village newsletters were received. Elaine Menzel from NACO sent correspondence regarding Corp of Engineers permit issuances. Chairman Pierce then called on each Board member for the various committee reports and recommendations.

Moved by Dannehl and seconded by Morrow to close the Courthouse at noon on Christmas Eve this year. Also stated was that all employees would work four hours that day unless they were on paid vacation time. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Klein, McMullen and Pierce. Absent: Greder and Loewenstein. Motion declared carried.

Moved by Morrow and seconded by Klein to approve the addition of pledged collateral in the amount of \$50,000.00 to Firstier Bank for the Buffalo County Treasurer. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, McMullen and Pierce. Absent: Greder and Loewenstein. Motion declared carried.

Moved by Klein and seconded by McMullen to reappoint Leonard Skov, Karin Covalt and Craig Wietjes to the Buffalo County Planning and Zoning Commission. Upon roll call vote, the following Board members voted "Aye": Klein, McMullen, Dannehl, Morrow and Pierce. Absent: Greder and Loewenstein. Motion declared carried.

Emergency Manager Darrin Lewis was present for discussion on the revisions to the Local Emergency Operations Plan (LEOP). Moved by McMullen and seconded by Klein to approve the following Resolution 2009-64 to approve the revised

LEOP as presented. This plan is revised every five years. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Morrow and Pierce. Absent: Greder and Loewenstein. Motion declared carried.

### **RESOLUTION 2009-64**

WHEREAS, the Board of Supervisors of Buffalo County, Nebraska, pursuant to Nebraska Statute, is vested with the authority of administering the affairs of Buffalo County, Nebraska; and

WHEREAS, it has been determined that a Buffalo County Local Emergency Operations Plan has been developed in order to provide for a coordinated response to a disaster or emergency in Buffalo County, the City of Kearney and other cities and villages in Buffalo County; and

WHEREAS, the Board of Supervisors of Buffalo County, deems it advisable and in the best interest of Buffalo County to approve said Local Emergency Operations Plan;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Buffalo County, Nebraska, that the Buffalo County Local Emergency Operations Plan be, and hereby is, approved.

County Sheriff Neil Miller was present to discuss the contract negotiations with Intel-Mate. Sheriff Miller stated that his preference would be that the inmate phone system and the commissary contract be awarded to the same company. This contract award will come back to the Board at another meeting.

Moved by Dannehl and seconded by Morrow to recess the regular meeting of the Board of Supervisors at 9:31 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted “Aye”. None voted “Nay”. Motion declared carried.

### **BOARD OF EQUALIZATION**

Chairman Pierce called the Board of Equalization to order in open session. County Assessor Joe Woodward and County Treasurer Jean Sidwell were present.

Moved by Dannehl and seconded by McMullen to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Sinsinawa Dominicans Inc on a 2008 Honda 4 door. Upon roll call vote, the following Board members voted “Aye”: Dannehl, McMullen, Klein, Morrow and Pierce. Absent: Greder and Loewenstein. None voted “Nay”. Motion declared carried.

Moved by McMullen and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Christian Student Fellowship on the following vehicles: 2001 GMC Safari, 2002 Dodge Ram Wagon, 2000 Dodge Ram Wagon and a 1998 United enclosed trailer. Upon roll call vote, the following Board members voted “Aye”: McMullen, Klein, Dannehl, Morrow and Pierce. Absent: Greder and Loewenstein. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Dannehl to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Servants of Mary on a 2007 Toyota 4 door. Upon roll call vote, the following Board members voted “Aye”: Morrow, Dannehl, Klein, McMullen and Pierce. Absent: Greder and Loewenstein. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Morrow to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Evangelical Lutheran Good Samaritan Center on a 1998 Chevrolet Sportvan. Upon roll call vote, the following Board members voted “Aye”: Klein, Morrow, Dannehl, McMullen and Pierce. Absent: Greder and Loewenstein. None voted “Nay”. Motion declared carried.

Moved by McMullen and seconded by Dannehl to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Sisters of Saint Francis on a 2002 Toyota. Upon roll call vote, the following Board members voted “Aye: McMullen, Dannehl, Klein, Morrow and Pierce. Absent: Greder and Loewenstein. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Klein to approve tax list corrections 3636 through 3638 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, McMullen and Pierce. Absent: Greder and Loewenstein. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Dannehl to return to the regular meeting at 9:38 A.M. Upon voice vote all Board Members present voted “Aye”. None voted “Nay”. Motion declared carried.

### **REGULAR AGENDA**

Chairman Pierce turned the next Agenda items over to Road Committee Chairman McMullen. Moved by McMullen and seconded by Dannehl to accept the bid of Murphy Tractor and Equipment Co. for a 2009 772G with 173 demonstration hours for a bid price of \$257,350.00 less the trade in of Caterpillar 140G for \$27,500.00 for a total price of \$229,850.00.

Upon roll call vote, the following Board members voted “Aye: McMullen, Dannehl, Klein, Morrow and Pierce. Absent: Greder and Loewenstein. None voted “Nay”. Motion declared carried.

Supervisor Loewenstein arrived at the regular Board meeting at 10:10 A.M.

Committee Chairman McMullen instructed County Clerk Giffin to open the bids for the following Reinforced Concrete Box Projects: C10 (570) Gibbon Southeast, C10 (597) Gibbon Southeast, C10 (542) Pleasanton Southwest, C10 (599) Kearney Northeast, and C10 (901) Poole Road South. One bid was submitted by Wilke Contracting Corporation.

Committee Chairman McMullen instructed County Clerk Giffin to open the bids for the following Asphalt Overlays: Cottonmill/Riverdale Road 56<sup>th</sup> North 3.4 miles, Navaho Road from Hwy. 2 North 1.5 miles, Pleasanton Cutoff Hwy. 10 East 3.0 miles. Bids were submitted by Vontz Paving, Paulsen Inc., U.S. Asphalt and Werner Contraction.

Committee Chairman McMullen instructed County Clerk Giffin to open the bids for the Rehabilitation Projects C10 (585) and C10 (586). Wilke Contracting Corporation submitted the only bid.

All bids submitted were read aloud by Clerk Giffin. Supervisor McMullen thanked all of the vendors present and stated that all of the bids would be reviewed and a recommendation of bid awards would be made at the next Board meeting on November 24, 2009.

Moved by McMullen and seconded by Klein to sign the interlocal agreements with Odessa and Rusco townships. Upon roll call vote, the following Board members voted “Aye: McMullen, Klein, Dannehl, Loewenstein, Morrow and Pierce. Absent: Greder. None voted “Nay”. Motion declared carried.

Supervisor McMullen reported that the Committee had discussed the 235<sup>th</sup> Road extension and at this time the committee didn’t feel that funds were available to complete the project.

Discussion followed on the usage of the County Seal. The guidelines have been forwarded to the County Attorney for review and decisions will be made at a later date.

Moved by Morrow and seconded by McMullen to move into Executive Session at 10:10 A.M. to discuss personnel issues. In addition to all Board members present, County Attorney Shawn Eatherton, County Board Administrator Lynn Rauner and County Highway Superintendent Ron Sklenar were present. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Dannehl, Klein, Loewenstein and Pierce. Absent: Greder. Motion declared carried.

Moved by Morrow and seconded by McMullen to return to the open meeting at 10:21 A.M. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Dannehl, Klein, Loewenstein and Pierce. Absent: Greder. Motion declared carried.

Chairman Pierce disclosed that Budget issues concerning personnel were discussed with Highway Superintendent Ron Sklenar in Executive Session. Supervisor Morrow stated that there was a lack of communication from the Budget committee to the Highway Department regarding salary increases and the overall budget increase. Supervisor McMullen apologized to the Elected Officials who were present for the seeming unfairness to the rest of the employees for the raises that were paid on the October paychecks to the Road and Weed District employees. County Treasurer Jean Sidwell stated that she would probably pay her employees the one month 2.5 increase in all fairness to her employees.

After further discussion, it was moved by Dannehl and seconded by Morrow to recalculate and roll back the employee wages. Sklenar was further instructed to take back the raise given last month on this next month’s paycheck. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Klein, Loewenstein, McMullen and Pierce. Absent: Greder. Motion declared carried.

Clay Schutz from the State Probation office was present to address the Board. Schutz was appointed the Chief Probation Officer of District Nine on July 1, 2009. Buffalo County and Hall County are now joined as one district and all of the same judges are in this district.

At 10:50 A.M. Chairman Pierce asked if there was anything else to come before the Board before he declared the meeting adjourned until Tuesday, November 24, 2009 at 9:00 A.M. Chairman Pierce instructed County Clerk Janice Giffin to publish notice for the same according to Nebraska law.